

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

MARSHALL COBB, SR.,)	
)	
Plaintiff,)	
)	
v.)	No. 1:20-cv-01303-JPH-DML
)	
BENJAMIN Judge,)	
KATHLEEN BURNS Prosecutor,)	
CURTIS HILL Attorney General,)	
LORETTA RUSH Judge,)	
KIT C. DEAN CRANE Judge,)	
BARBARA HARCOURT Judge,)	
STATE OF INDIANA,)	
NANCY VAIDIK Judge,)	
)	
Defendants.)	

ORDER DISMISSING CASE

On August 7, 2020, the Court screened Plaintiff Marshall Cobb, Sr.'s complaint and dismissed it for failure to state a plausible claim. Dkt. 10 at 4-5. The Court gave Mr. Cobb through September 31, 2020 to file an amended complaint. *Id.* at 6. Mr. Cobb has filed an amended complaint, dkt. 13, but the amended complaint also does not state a plausible claim. Instead, it asserts that judicial and prosecutorial immunity should not apply here because "the persons named in Cobb's 1983 are guilty of felonies..." *Id.* at 1. As discussed in the Court's initial screening order, judicial immunity is not overcome with allegations that the act is illegal, unauthorized, or motivated by bad faith. *Mireles v. Waco*, 502 U.S. 9, 11 (1991).

Furthermore, Mr. Cobb's claims against Ms. Burns and Attorney General Hill must be dismissed because they have absolute immunity, having acted as

attorneys for the state. *See Imbler v. Pacht*, 424 U.S. 409, 430-31 (1976) (emphasizing the immunity of prosecutors from liability in suits under Section § 1983). Because the named defendants are immune from civil liability, Mr. Cobb's motion to show cause does not "state a claim to relief that is plausible on its face." *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (quoting *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007)).

Mr. Cobb's claims are **DISMISSED with prejudice**. Final judgment will issue by separate entry.

SO ORDERED.

Date: 10/9/2020



James Patrick Hanlon
United States District Judge
Southern District of Indiana

Distribution:

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